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OFFICE OF PETITIONS

In re Application of
Hashimoto et al.
Application No. 09584198
Filed: May 31, 2000
Attorney Docket No. 03500.014507

: DECISION GRANTING PTA REQUEST

This is a decision on the "REQUEST FOR RECONSIDERATION Of PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," timely[1] filed on March 28, 2006 requesting that the Office adjust the PTA calculation from 944 days to 994 days at the time of the issuance of the patent.

Patentees' request for reconsideration is **GRANTED.** The USPTO will adjust the PTA determination at the time of the issuance of the patent from a determination 944 to a determination of 994 days. The Office will also *sua sponte* issue a certificate of correction in the determined amount.

Patentees assert that the USPTO erred in assessing a 120-day reduction for the submission on February 10, 2005 of the request for IDS acknowledgment and the request for entry of the amendment filed September 3, 2004. Patentees believe that at most 70-days of PTA should have been assessed for the submission of such papers. Patentees assert that the Office mailed a reply to the acknowledgment request on April 20, 2005 and accordingly the reduction under 37 CFR 1.704(c)(10) should have ended on that specific date. Moreover, the patentees assert that the request that the amendment of September 3, 2004 be entered should not have been considered a reduction under 37 CFR 1.704(c)(10) because such request did not amount to an amendment.

Patentees' arguments are persuasive to the extent indicated herein. Specifically, the USPTO

[1]Patent issued on January 31, 2006.

agrees with patentees that the IDS submission should have received a reduction of only 70-days.[2]. As for the request for the amendment of September 3, 2004 to be entered, the Office does not find such request to be considered a failure to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10) because the letter of February 10, 2005 was the first opportunity to have such error brought to the attention of the USPTO. After the September 3, 2004 amendment , the Office mailed a notice of allowance on January 4, 2005 to the patentees without entering the amendment of September 3, 2004. Accordingly, patentees were diligent in having the matter addressed. Accordingly, the only reduction pursuant to 37 CFR 1.704(c)(10) is the IDS submission and such reduction accounted for a period of 70 days.

The determination was calculated in the following manner: USPTO delay= 904 days under 37 CFR 1.702(a)(1) and 178 days under 37 CFR 1.702(a)(4) and 11 days under 37 CFR 1.702(a)(2) and Applicant delay =29 days under 37 CFR 1.704(b) and 70 days under 37 CFR 1.704(c)(10). Thus the correct amount of PTA at the time of the issuance of the patent is (904 +178 + 11 -(70 + 29) = 994 days.

The Office acknowledges authorization to charge a fee of the $200.00 fee set forth in 37 CFR 1.18(e). The Office had assessed the $200.00 fee.

The application file is being forwarded to the Certificate of Correction branch for a prompt issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kery Fries at 571-272-7757.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: adjusted PAIR calculation
Draft Certificate of Correction

[2]The reduction is for the period of February 10, 2005 until April 20, 2005. It is further noted that patentees did not provide a 1-month certification statement under 37 CFR 1.704(d) and accordingly the submission of an IDS after notice of allowance is considered an applicant delay pursuant to 37 CFR 1.704(c)(10).

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	6,992,714 B1
DATED	:	Jan. 31, 2006
INVENTOR(S)	:	Hashimoto et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (944) days

Delete the phrase "by 944 days" and insert – by 994 days--

PALM INTRANET

Day : Monday
Date: 9/4/2006
Time: 10:37:03

PTA Calculations for Application: 09/584198			
Application Filing Date:	05/31/2000	PTO Delay (PTO):	1093
Issue Date of Patent:	01/31/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	149
Post-Issue Petitions:	0	Total PTA (days):	994
PTO Delay Adjustment:	50		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	09/04/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	50		
49.5	01/11/2006	PTA 36 MONTHS			
49	01/31/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	178		46
48	12/02/2005	RECEIPT INTO PUBS			
47	12/02/2005	DISPATCH TO FDC			
46	04/06/2005	ISSUE FEE PAYMENT VERIFIED			
45	11/30/2005	DISPATCH TO FDC			
44	11/30/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
43	04/06/2005	ISSUE FEE PAYMENT VERIFIED			
42	12/01/2005	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
41	11/30/2005	RESPONSE TO AMENDMENT UNDER RULE 312			
40	02/10/2005	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	42
39	11/30/2005	RECEIPT INTO PUBS			
38	11/30/2005	TC RETURN TO PUBS			
37	11/17/2005	PUBS CASE REMAND TO TC			
36	09/14/2005	RECEIPT INTO PUBS			
35	02/10/2005	REFERENCE CAPTURE ON IDS			
34	02/10/2005	MISCELLANEOUS INCOMING LETTER		0	31
33	02/10/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	31
32	05/04/2005	RECEIPT INTO PUBS			
31	04/20/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
30	04/18/2005	MISCELLANEOUS COMMUNICATION TO			

		APPLICANT - NO ACTION COUNT			
29	04/06/2005	ISSUE FEE PAYMENT RECEIVED			
28	02/18/2005	WORKFLOW - FILE SENT TO CONTRACTOR			
27	02/04/2005	EXPORT TO INITIAL DATA CAPTURE			
26	01/14/2005	MAIL NOTICE OF ALLOWANCE	11		20
25	01/11/2005	ISSUE REVISION COMPLETED			
24	01/11/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	01/11/2005	NOTICE OF ALLOWABILITY			
22	01/06/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	10/26/2004	DATE FORWARDED TO EXAMINER			
20	09/03/2004	RESPONSE AFTER NON-FINAL ACTION		29	17
19	09/03/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	09/03/2004	WORKFLOW INCOMING AMENDMENT IFW			
17	05/05/2004	MAIL NON-FINAL REJECTION			
16	05/03/2004	NON-FINAL REJECTION			
15	02/24/2004	DATE FORWARDED TO EXAMINER			
14	02/20/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
13	01/21/2004	MAIL RESTRICTION REQUIREMENT	904		-1
12	01/20/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
11	11/12/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	01/15/2002	CASE DOCKETED TO EXAMINER IN GAU			
9	10/23/2000	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	05/04/2001	CASE DOCKETED TO EXAMINER IN GAU			
7	10/23/2000	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6	01/13/2001	APPLICATION DISPATCHED FROM OIPE			
5	01/13/2001	APPLICATION IS NOW COMPLETE			
4	08/22/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	07/27/2000	CORRESPONDENCE ADDRESS CHANGE			
2	06/20/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/31/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION